

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GILEAD SCIENCES, INC.,

Plaintiff,

v.

APOTEX, INC., LUPIN LIMITED,
LAURUS LABS LIMITED, SHILPA
MEDICARE LIMITED, SUNSHINE
LAKE PHARMA CO., LTD., NATCO
PHARMA LIMITED, CIPLA LIMITED,
MACLEODS PHARMACEUTICALS
LTD., HETERO USA INC., HETERO
LABS LIMITED UNIT-V, AND HETERO
LABS LIMITED,

Defendants.

C.A. No. 20-00189 (MN)

CONSENT JUDGMENT AND DISMISSAL ORDER

This action for patent infringement having been brought by Plaintiff Gilead Sciences, Inc. (“Gilead”) against defendant Lupin Limited (“Lupin”) for infringement of U.S. Patent Nos. 7,390,791, 8,754,065, and 9,296,769.

Gilead and Lupin (“the Parties”) have agreed to the terms and conditions in a confidential Settlement and License Agreement (the “Agreement”) and accordingly, have agreed to terminate the pending litigation by the entry of this Judgment and Order; and

The Parties now consent to this Judgment and Order.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. This Court has jurisdiction over the Parties and subject matter of this action.
2. All affirmative defenses, claims and counterclaims, which have been or could have been raised by Gilead against Lupin and its Affiliates, or by Lupin and its Affiliates against Gilead,

in this action are hereby dismissed without prejudice. For purposes of this Judgment and Order, “Affiliates” means any entity controlling, controlled by, or under common control with Lupin, but only as long as such control continues, where “control” and its correlates means (a) the ownership of at least fifty percent (50%) of the equity or beneficial interest of such entity, (b) the right to vote for or appoint a majority of the board of directors or other governing body of such entity, or (c) the power, whether pursuant to contract, ownership of securities, or otherwise, to direct the management and policies of such entity.

3. Except as otherwise provided by the Parties’ Agreement, Lupin and its Affiliates are hereby enjoined from making, having made, using, having used, offering for sale, having offered for sale, selling, or having sold in the United States, or importing or having imported into the United States, the products of ANDA Nos. 213926, 214226, and 214227, until permitted under the Parties’ Agreement.

4. The Parties waive all right to appeal from this Judgment and Order.

5. This Court shall retain jurisdiction of this action and over the parties for purposes of enforcement of the provisions of this Judgment and Order.

6. Each Party is to bear its own costs and attorneys’ fees.

Dated: September 9, 2022

/s/ Grayson P. Sundermeir

Douglas E. McCann (#3852)
Grayson P. Sundermeir (#6517)
Fish & Richardson P.C.
222 Delaware Avenue, 17th Floor
Wilmington, DE 19801
(302) 652-5070
dmccann@fr.com; sundermeir@fr.com

*Attorneys for Plaintiff
Gilead Sciences, Inc.*

/s/ David A. Bilson

John C. Phillips, Jr. (#110)
David A. Bilson (#4986)
Phillips, McLaughlin & Hall, P.A.
1200 North Broom Street
Wilmington, DE 19806
(302) 655-4200
jcp@pmhdelaw.com
dab@pmhdelaw.com

*Attorneys for Defendant
Lupin Limited*

IT IS SO ORDERED this _____ day of _____ 2022.

The Honorable Maryellen Noreika
United States District Judge